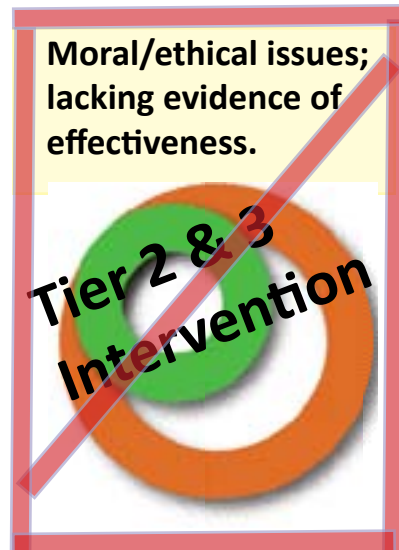


Corporal Punishment

A Traditional Discipline Consequence

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While corporal punishment in school has been banned in many states, it is still permitted in 19 states (Center for Effective Discipline, 2012). As a result, corporal punishment continues to evoke controversy as a school disciplinary procedure.

What is Corporal Punishment?

Gershoff (2008) defines corporal punishment as physical punishment which uses physical force intending to cause bodily pain for the purpose of correcting or punishing a child for their behavior. According to the UN Committee on the Rights of the Child, corporal punishment is “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light” (U.N. Committee, 2001, general comments #1). Corporal punishment may include physical pain created by a variety of methods including paddles, excessive exercise drills, or requiring students to assume painful body positions (Northington, 2007).

Corporal punishment may be divided into three types:

- Judicial corporal punishment which is punishment ordered by a court of law;
- Parental or domestic corporal punishment. Parental corporal punishment is permitted in all U.S. states except for the state of Delaware (Clabough, 2012). Thirty four countries around the world have banned the use of parental corporal punishment (Global Initiative, 2012);
- School corporal punishment which occurs when students are punished by teachers or administrators.

The focus of this Brief is on school use of corporal punishments. A wide variety of organizations have gone on record as opposing the use of corporal punishment in schools for a variety of reasons. These include ethical and moral arguments against this use of force on children, physical and emotional danger to students, modeling aggressive behavior and many more. These organizations have included the American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, American Bar Association, American Human Association, and numerous educational organizations among many others (Center for Effective Discipline, 2013).

Distinguishing Physical Restraint or Seclusion. Corporal punishment does not include an adult restraining a student who is a danger to himself or others, nor does it include the use of physical force to protect students or staff from imminent danger posed by a student (Greydanus, 2003). It also does not include the isolation of a student to prevent self-harm or harm of others.



Distinguishing Aversive Procedures. Some behavior change procedures, called “aversives”, “aversive procedures” or “aversive therapy”, include pain or other noxious stimuli which a client would presumably avoid. Aversives may include things such as foul odors (vinegar), nasty tastes (such as lemon juice in the mouth) loud noises, mild electric shock, and even slapping (AAIDD, 2012). These stimuli are then administered contingent on the client’s serious destructive behavior (such as head banging) as part of a plan to eliminate those behaviors. These procedures, when used, are most often conducted in a controlled clinical setting as a part of a treatment plan after other alternative interventions have been unsuccessful and have been exhausted. The use of these aversive procedures is usually not included within the definition of corporal punishment since their purpose is behavior change, not punishment even though some of these may cause pain or discomfort, and therefore may appear similar to corporal punishment. Most professional organizations, such as the National Association of School Psychologists, the American Pediatric Association and the American Bar Association, have also opposed the use of these types of

procedures on ethical or moral grounds similar to arguments against the use of corporal punishment. The legality of these procedures when used in school is unclear where corporal punishment may have been banned in schools (Gershoff, 2008).

Legality of Corporal Punishment

There has been only one Supreme Court decision about corporal punishment in schools. The court held that paddling of a student in a public school was not “Cruel and Unusual Punishment” prohibited by the Eighth Amendment (Ingraham v. Wright, 430 U.S. 651, 97 S. Ct. 1401, 51 L. Ed. 2d 711) and that these students were not denied due process under the Fourteenth Amendment. The court supported the doctrine of “in loco parentis” (the school acting as a parent while the student is in the custody of the school) and permitted states and districts to ban or regulate the use of corporal punishment in schools.

Since then, several cases have challenged this ruling, and U.S. district courts have attempted to clarify the rights of students regarding corporal punishment but there has been little change in policy except for changes in state regulation of corporal punishment.

Where corporal punishment is permitted in schools it is usually controlled by state or school district regulations which specify when and where it can be used, the number of strokes or swats of a paddle to be administered, and whether parents must be informed. These types of regulations, depending on how closely regulated and how well enforced, have generally been acceptable the courts. Darden (2009) states that school districts that practice corporal punishment should carefully consider their policies on this matter. He advises that they have clear guidelines that limit corporal punishment and that school personnel should understand those guidelines (Darden, 2009). Russo (2009) recommends that school districts require written consent from parents, limit the number of

times corporal punishment can be used in one school year, require witnesses to be present, arrange for parents to come in for a conference when corporal punishment is used, place restrictions on the number and location of hits and use reasonable restraint in applying the corporal punishment. With this type of regulation in jurisdictions which permit it, corporal punishment can be viewed as a disciplinary ceremony that is legally defensible. In most states allowing corporal punishment, the teachers and administrators are immune from assault laws (Anonymous, 2008).

What Do We Know About Corporal Punishment?

As stated earlier there are currently 19 states that allow corporal punishment in public schools (Center for Effective Discipline, 2012). During the 2004-2005 school year, 272,028 students in public schools were physically punished (Gershoff, 2008). During the 2005-2006 school year, 223,190 students in public schools were physically punished (Office of Civil Rights, 2012). These are the most recent statistics available from the Office of Civil Rights (Darden, 2009). The numbers of students physically punished have been steadily decreasing through the years as evidenced by the last two years of available statistics. Between 2004-2005 and 2005-2006 there was an 18 percent drop, which continues the trend from the early 1980's (Center for Effective Discipline, 2012). Many of the states that still allow corporal punishments are southern and mountain states (Center for Effective Discipline, 2012). Nebraska banned corporal punishment in 1988 (Center for Effective Discipline, 2012). Even in a state that permits corporal punishment, it may not be permitted in a particular district within the state. For example, the Dallas Public Schools does not allow corporal punishment, but it is allowed in the state of Texas (American School Board Journal, 2008). Almost 40 percent of students who receive corporal punishment live in the states of Mississippi and Texas (Center for Effective Discipline, 2012). One Texas school district recently decided to



expand their corporal punishment policy to allow administrators of the opposite sex to paddle students, as long as there is a witness that is the opposite sex of the administrator (Brown, 2012).

Even in states that no longer allow corporal punishment, it is still controversial. In a 2005 poll, 23 percent of Americans thought that corporal punishment should be permitted in schools (Gershoff, 2008). Some states that ban corporal punishment in public schools may not ban it in private schools (Gershoff, 2008).

Corporal Punishment as an Alternative to Suspension. In one Texas School district, parents are permitted to request one paddling per semester. The parent must give permission to have their child paddled in lieu of being suspended or expelled (Brown, 2012). Therefore, corporal punishment is used in this case as an alternative to suspension or expulsion in this school district. Because Georgia is a state which allows corporal punishment (Office of Civil Rights, 2012) corporal punishment is also used in this way in the Calhoun School District (Northington, 2007). In a study by Yancy (2001), students who chose physical punishment stated



they were less likely to repeat the behaviors, and not as likely to later receive in-school suspension for repeating the behaviors (Northington, 2007).

The Effects of Corporal Punishment. The Society for Adolescent Medicine does not support corporal punishment as a result of studies which have indicated that corporal punishment has negative effects on both the physical and mental health of children (Greydanus, 2003).

Bauer (1990) studied the literature and research about corporal punishment. He concluded that there was more research to show that corporal punishment did not provide any significant advantages in a school setting. Instead of corporal punishment, Bauer advocates for the use of learning-theory approaches like extinction and reinforcement (1990). Since that study, additional research has supported using positive reinforcement techniques to produce longer-lasting results than corporal punishment, particularly when appropriate behavior is rewarded (Greydanus, 2003). In Gershoff's (2008) report on the current research in corporal punishment, she stated there is not much evidence that students' behavior improves in the long term by using corporal punishment. However, there is substantial research that physical punishment increases students' aggression, "antisocial behavior, mental health problems, and physical injury" (Gershoff, 2008, p. 7). Bauer (1990) also stated that there was a correlation with corporal punishment and increased student aggression.

Corporal punishment can also increase situations where a student displays hostile intentions to other students in social settings, and will increase aggressiveness in these situations (Gershoff, 2008). The long-term effects of paddling are not as effective as the short-term results (Gershoff, 2008).

According to Gershoff (2008, p. 13), approximately 85 percent of studies found that use of corporal punishment resulted in "less moral internalization of norms for appropriate behavior and long-term compliance". Gershoff indicates that in twelve studies, mental health problems increased as the severity of corporal punishment increased.

Another criticism of corporal punishment is that it does not teach students why their behavior is wrong, or how they should correct it (Bauer, 1990). However, in fairness to other disciplinary options, this same criticism may be directed to other forms of discipline based on a "punishment model" including detention, suspension or expulsion. Finally, it appears that overall corporal punishment is ineffective rather than successful in decreasing problem behaviors and promoting prosocial behavior.

Disproportionality of Use. Males are paddled three times as often as females ("Corporal Punishment", 2008). Additionally, students who come from low-income families are paddled more often than students from middle-class or wealthy families (Northington, 2007). It is also twice as likely that African-American and Native-American students will be paddled as opposed to European-American students ("Corporal Punishment", 2008).

Conclusion

Corporal punishment is a controversial form of discipline that can evoke strong emotions from parents and the general public based on ethical and moral issues. In states that allow corporal punishment, it is important to make sure policies and procedures are in place to administer corporal punishment in order to let

parents know what to expect with this form of discipline (Russo, 2009) and to maintain legality of the procedures. Corporal punishment does in fact offer an alternative to exclusionary disciplinary consequences. As a result, schools where it is employed might have lower numbers of suspensions compared to schools where it is not used. Nevertheless, there is little evidence that it is effective in the long run as a tool to diminish inappropriate behavior in school.

Regardless of these factors the over-riding issues appear to center around the moral and ethical issues which this type of discipline engenders as reflected in the Society of Adolescent Medicine's 2003 summary position:

The Society for Adolescent Medicine concludes that corporal punishment in schools is an ineffective, dangerous, and unacceptable method of discipline. The use of corporal punishment in the school reinforces physical aggression as an acceptable and effective means of eliminating unwanted behavior in our society. We join many other national and international organizations recommending that it be banned and urge that nonviolent methods of class-room control be utilized in our school systems [9,12,43,60,86 –88]



Early image of school corporal punishment from the *San Francisco Call*, 23 March 1893 in an article entitled: Slap Or Spank? School Punishment Query in Alameda, CA. It is Now Left to Parents. "How Shall We Chastise Your Child?" Deferentially Asks the Board of Education. Obtained from: World Corporal Punishment Research downloaded from: <http://www.corpun.com/uss89303.htm#23626>

Corporal Punishment is a traditional disciplinary consequence which creates moral and ethical concerns, and is without evidence regarding effectiveness in changing student behavior.

No endorsement of its use should be implied in this Brief!

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References on Corporal Punishment

- American Association of Intellectual and Developmental Disabilities. (2012, July). *Position statement on aversive procedures*. Retrieved from http://www.aamr.org/content_169.cfm?navID=55
- Anonymous. (2008). Corporal punishment still popular in many schools. *American School Board Journal*, 195(10), 7.
- Bauer, G. B., Dubanoski, R., Yamauchi, L. A. & Honbo, K. M. (1990). Corporal punishment and the schools. *Education and Urban Society*, 22(3), 285-299.
- Brown, A. K. (2012, September 26). Texas district expands corporal punishment policy. *Associated Press*. Retrieved October 3, 2012 from <http://www.statesman.com/>
- Center for Effective Discipline. (2013). Discipline at school (NCACPS) *U.S. Organizations opposed to school corporal punishment*. Canal Winchester, OH: Author. Retrieved from: <http://www.stophitting.com/index.php?page=usorgs>.
- Center for Effective Discipline. (2012). U.S. corporal punishment and paddling statistics by state and race: States banning corporal punishment. Canal Winchester, OH: Author. Retrieved on December 26, 2013 from: <http://www.stophitting.org/disatschool/statesBanning.php>.
- Corporal punishment still popular in many schools. (2008). *American School Board Journal*, 195(10), 7.
- Clabough, Raven (2012, November, 27). Delaware Law Bans Parents from Spanking their Kids. *The New American*.
- Darden, E. C. (2009). The paddle problem. *American School Board Journal*, 196 (1). 39-40.
- The Free Dictionary. (2013). "In loco parentis". Retrieved from: <http://legal-dictionary.thefreedictionary.com/In+loco+parentis>.
- Gershoff, E. T. (2008). *Report on physical punishment in the United States: What research tells us about its effect on children*. Columbus, OH: Center for Effective Discipline.
- Global Initiative to End All Corporal Punishment of Children (GITEACPOC). (Updated, October 2013). Retrieved from: http://www.endcorporalpunishment.org/pages/progress/prohib_states.html.
- Greydanus, D. E., Pratt, H. D., Spates, C. R., Blake-Dreher, A. E., Greydanus-Gearhart, M. A. & Patel, D. R. (2003). Corporal punishment in schools. *Journal of Adolescent Health*, 32(5), 385-393.
- Ingraham v. Wright, 430 U.S. 651, 97 S. Ct. 1401, 51 L. Ed. 2d 711
- Northington, C. (2007). The corporal punishment of minorities in the public schools. *The Office Journal of the National Association for Multicultural Education*, 9(3), 57-59.
- Russo, C. J. (2009). "Spare the rod and spoil the child?" the law and corporal punishment. *School Business Affairs* 75(10), 30-32.
- Ryan, J. B., & Peterson, R. L. (2004). Physical Restraint in School. *Behavioral Disorders*, 29(2), 154-168.
- Society of Adolescent Medicine. (2003). Corporal punishment in schools – Position paper of the Society for Adolescent Medicine. *Journal of Adolescent Health*, 32, 385-393.
- Office of Civil Rights. (2012). *Data Collection*. In *Civil rights data collection*. Retrieved October 7, 2012, from <http://ocrdata.ed.gov/>.
- UN Committee on the Rights of the Child (2001) "General Comment No. 1:" par 11.
- World Corporal Punishment Research <http://www.corpun.com/usscr2a.htm>.
- Yancey, T., (2001). Voluntary corporal punishment reduces suspension rates. Reprinted online from *Secondary English* (2001). From <http://www.corpun.com/yancey.htm>.